



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

7/23/2019 3:07:37 PM

Office of West Virginia  
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-  
MAKING REVIEW COMMITTEE**

AGENCY: Natural Resources TITLE-SERIES: 58-34  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: 58-34 Special Projects and Grants for West Virginia State Parks, State Forests, and State Rail Trails Under the Division of Natural Resources

**PRIMARY CONTACT**

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CITE STATUTORY AUTHORITY: §20-5-2

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§20-5-2 provides agency rule making authority for the use of parks

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/10/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/10/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This rule governs special projects and grants for West Virginia State Parks, State Forests, and State Rail Trails under the jurisdiction and management of the Division of Natural Resources, Parks & Recreation Section. Changes to this rule include the removal of no longer existing state wildlife management areas under the Parks & Recreation Section, adding State Rail Trails and including an increase in matching grant funds to \$25,000.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

This rule governs special projects and grants for West Virginia State Parks, State Forests, and State Rail Trails under the jurisdiction and management of the Division of Natural Resources, Parks & Recreation Section.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

There is no anticipated change in revenue.

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

There is no anticipated change in administrative costs.

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2019 Increase/Decrease (use "-")	2020 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
<b>2. Estimated Total Revenues</b>	0	0	0

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

There are no anticipated changes to administrative costs or revenue.

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

Yes

**Wesley H White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



TITLE 58  
LEGISLATIVE RULE  
DEPARTMENT OF COMMERCE  
DIVISION OF NATURAL RESOURCES

SERIES 34  
SPECIAL PROJECTS AND GRANTS FOR WEST VIRGINIA STATE PARKS,  
STATE FORESTS, AND ~~STATE WILDLIFE MANAGEMENT AREAS~~ STATE RAIL TRAILS  
UNDER THE DIVISION OF NATURAL RESOURCES

**§58-34-1. General.**

1.1. Scope. -- This legislative rule governs special projects and grants for West Virginia state parks, state forests, and ~~recreation areas in state wildlife management areas~~ state rail trails under the jurisdiction and management of the Division of Natural Resources, Parks and Recreation Section. This rule ~~shall not be construed to~~ does not include the state forests or state wildlife management areas, or any areas or facilities in the state forests or state wildlife management areas, under the jurisdiction and management of the ~~Department of Agriculture or the Wildlife Resources section of the Division of Natural Resources, respectively.~~ This rule is necessary to provide for public health, safety and welfare; ~~to protect~~ the protection of state property; and to assure state recreational area guests of a safe, beneficial and enjoyable experience.

1.2. Authority. -- W. Va. Code §20-5-2.

1.3. Filing Date. -- ~~May 11, 2001.~~

1.4. Effective Date -- ~~May 11, 2001.~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon the expiration of five years from its effective date.

**§58-34-2. General Rules Governing Special Projects and Grants for State Parks, State Forests, and ~~Recreational Areas in State Wildlife Management Areas~~ State Rail Trails under the Division of Natural Resources.**

2.1. State park, ~~and state forest, state rail trail~~ or other public land area foundations may apply ~~for~~ to the Chief of Parks and Recreation and be awarded 50% matching grants of up to ~~\$7,500~~ \$25,000 per project as part of an "adopt a state park, ~~or forest, or rail trail~~ program" for maintenance and improvement projects approved by the Chief of Parks and Recreation. To qualify, a chartered foundation shall formally adopt the area for which it was created and for which it is working. A foundation may adopt a state park, forest, ~~wildlife management or recreation area~~ or rail trail with the approval of the Director of the Division of Natural Resources.

2.2. With prior authorization of the Director of the Division of Natural Resources any individual or group may have free use of a picnic shelter for one day during each calendar year or have free use of a cabin for one week during each calendar year in exchange for donation of materials and labor for the construction of the cabin or picnic shelter. The design and construction of the cabin or picnic shelter must be in accordance

with Division standards and specifications. A group is defined as a family, or a business, corporation or non-profit organization whose by-laws are registered with the Secretary of State. The group shall designate a contact person who is responsible for securing the picnic shelter or cabin reservation each year. The non-transferrable fee waiver expires when the amount of the donation equals the loss of revenue from the fee waiver or until the individual dies or the group ceases to exist. The Director shall determine the donation value by the cost of materials and labor donated and shall divide that value by the standard rental fee charged at the time construction is completed to determine the expiration date of the fee waiver with the Director being the sole judge of the value of donated labor. Construction of cabins is restricted to state parks or state forests which already have cabins. Individuals or groups who are eligible for this fee waiver may make reservations for the use of a picnic shelter or cabin one week in advance of established reservation policies.